IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.12127-M of 2007
Date of Decision:- 02.04.2007

Ramphal & others ....Petitioner(s)

through
Mr.Gaurav Mohunta, Advocate

vs.

State of Haryana ....Respondent(s)

through
Mr.Tarun Aggarwal, Sr. DAG, Haryana.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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SURYA KANT, J.

The prayer in this petition is to release the petitioners on regular bail in case F.I.R.No.102 dated 10.6.2006 under Sections 148/302/323/149 IPC and Section 25 of the Arms Act registered at Police Station Baroda, District Sonepat.

The occurrence pertains to murder of one Rambir, who as per the post-mortem report, had received three gun shot injuries which were the ultimate cause of his death.

The petitioners are not the persons to whom any gun shot injury to the deceased and/or to any other person has been attributed. It is the case of the petitioners that no other injury attributable to them has been found on the body of the deceased.

During the course of investigation, the petitioners were found to be innocent by the police and, thus, were kept in column No.2. The petitioners, however, have been subsequently summoned by the learned trial Court on an application moved by the prosecution under Section 319 Cr.P.C.

The petitioners approached this Court for the grant of pre-arrest bail which was disposed of vide an order dated January 30, 2007 with a direction to them to surrender before the learned trial Court on or before 9.2.2007 and furnish requisite bail bonds for being admitted to interim bail and thereafter to seek regular bail from the learned trial Court.

The learned Additional Sessions Judge, however, has declined the regular bail to the petitioners as a result of which they were taken into custody.

After hearing learned counsel for the parties and having regard to the fact that the petitioners were found innocent by the Investigating Agency but without expressing any views on the merits of the case lest it should prejudice either of the parties, the petition is allowed. The petitioners are directed to be released on bail to the satisfaction of the Chief Judicial Magistrate, Sonepat.

April 02, 2007 **(SURYA KANT)**
poonam **JUDGE**